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April 2000
VOLUME 3 NUMBER 1

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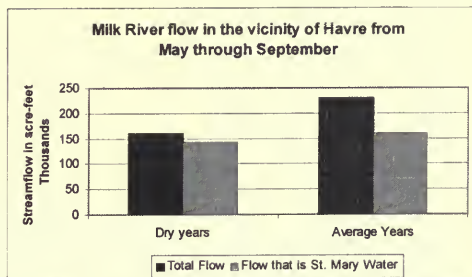
Next issue will focus on
the Fort Belknap
reserved water rights
negotiations

Lake Sherburne and St. Mary Canal Help Stabilize Milk River Water Supply

by R. Scott Guenther, USBR

The mild winter weather could spell trouble for Milk River water users this summer. According to the March 1st water supply forecast issued by the Natural Resources Conservation Service, Milk River flows are expected to be about 51 percent of normal. If this forecast holds true, Fresno and Nelson Reservoirs will not fill and less will be supplied to water users in the basin.

The bright spot is the water supply forecast for the St. Mary River basin. Although the runoff is expected to range from 75 percent to 85 percent of normal, this information needs to be put into perspective. Inflows to Lake Sherburne during the April through July peak runoff period only varies plus or minus 15,000 acre-feet from the forecast amount, in about 90 percent of the years. This variance is low relative to the average inflow to Lake Sherburne of 105,000 acre-feet. Water from the St. Mary River and stored water from Lake Sherburne are diverted every year into the Milk River through the St. Mary Canal. In a normal irrigation season (May through September period) approximately 70 percent of the Milk River flow near Havre originates from the St. Mary River Basin. Lake



Dry years are years similar to 1983, 1984, and 1992; and average years are years similar to 1982, 1989, 1993, and 1998.

Sherburne and the St. Mary Canal have been strong stabilizing forces, not only for Milk River irrigators, but also for all other residents that use water in the basin. The importance of Lake Sherburne and the St. Mary Canal becomes even more important during dry years such as this year is shaping up to be. About 90 percent of the water in the Milk River in dry years originates in the St. Mary River Basin. Many water users will remember 1984 as one of the driest years in recent memory when the St. Mary River provided about 95 percent of the water released from Fresno Dam.

Runoff into the Milk River is typical of most prairie streams where the volume of runoff can be extremely high

(See *Influence* on page 2)

Representatives on the Milk River JBC include the following:

Kay Blatter
Hugh Brookie
Melvin Novak
Lee Cornwell
Jack Gist

Chairman
Vice-Chairman
Secretary
Member
Member

Fort Belknap Irr. Dist.
Malta Irr. Dist.
Glasgow Irr. Dist.
Glasgow Irr. Dist.
Alfalfa Valley Irr. Dist.

Casey Kienenberger
Knute Kulbeck
Bin Strausser
Brad Tilleman
Steve Tremblay

Member
Member
Member
Member
Member

Malta Irr. Dist.
Harlem Irr. Dist.
Paradise Valley Irr. Dist.
Zurich Irr. Dist.
Dodson Irr. Dist.

Calendar Events

MRIA Advisory Council
will meet on
April 6
from 1:00-4:00 pm
at the NRCS office in
Chinook.

MRIA General Membership meeting
will be held on
Tuesday, May 9
from 10:00-3:00
in the Community
meeting room of the
First State Bank in Malta.



The Montana Office of
the Bureau of
Reclamation in Billings
pays the cost for
printing and mailing this
newsletter.

Facts about the Fort Belknap Irrigation District

GENERAL INFORMATION

Total Acres:	6,671 acres
Number of Farms:	75 (Approx.)
Water Price(s):	\$10.00 per Acre
Diverston:	Lobman Dam
Miles of canals and laterals:	40 Miles (Approx.)
Board Members and titles	Kay Blatter President Darrel Briese Director Wallace Elliot Director
Number of employees	Full Time: 0 Part Time: 3

QUESTIONS

Question: How does Fort Belknap Irrigation District charge water users?

Answer: On a per acre basis.

Question: How are district taxes collected?

Answer: With property taxes

Question: What types of crops are grown within the district and approximate percentages for each crop?

Answer: Small grain (30%), Hay (45%), Pasture (25%).

Question: How does the district ensure a fair distribution of water?

Answer: Monitored by a ditch rider.

Question: What is the district's policy

when a user is observed wasting water and how is the policy enforced?

Answer: A verbal warning is first given. If it is not followed the water supply is turned off.

Question: What recent improvements (if any) have been made to the district's system?

Answer: Ditch lining, ditch cleaning, land leveling, improved water accounting.

Question: What are Fort Belknap Irrigation District's long-term and short-term goals for the district?

Answer: Obtain additional grants for upgrading facilities.



Lobman Dam

Question: What changes would you like to see in the Milk River Basin over the next ten years?

Answer: Additional water supply developed for the project. ■

Influence

(Continued from page 1)

or extremely low. Normal runoff is a rare event. At times, a late season snowfall can change the expected water supply; hopefully, this will happen this year. But if it doesn't, the St. Mary River will, as in past years, be the more reli-

able water supply. The figure on page 1 illustrates this point. In normal years, the St. Mary River basin provides about 70 percent of the flows in the Milk River at Havre and in dry years, this figure increases to about 90 percent. ■

History of Irrigation Development in the Milk River Valley

Part 4

Progress and Opposition

By Manson Bailey

The history of irrigation development in the Milk River Basin and the important roles that various individuals and organizations played is amazing. The stories of these people or "doers" and the services that they provided have been repeated down through the years.

President Theodore Roosevelt's letter to the Reclamation Service that stated "...take immediate action in the whole Milk River matter," which extended presidential authorization in 1905, became a major boost to the valley's irrigation. After Roosevelt's letter, local leaders formed an organization to bring irrigation water to the Milk River Valley. Until recently, I was not aware of the details of this organization. Dick Eaton, a rancher and friend from north of Hinsdale, gave me a small "mouse eaten" notepad which had been kept by an early pioneer of the area, Al Simonson, who spent "40 years of gathering" documents on the history of the basin. His son, Sid, who is my age (80), is still on the ranch northwest of Hinsdale. Al's diary is in his shorthand and long-hand and includes records of meetings, names, dates, and actions taken. Of significant interest, are the newspaper clippings pasted in his diary. Here are some of the things I gleaned from them.

After Roosevelt's letter, and at the request of the Federal Government, a local authority was assembled to represent the irrigators and to handle the affairs associated with the project. The group called the "Lower Milk River Water Users Association" (Association), selected H.H. Nelson as its president. As we all know, Roosevelt's approval of a project did not get the project built. The Association had to obtain congressional authorization and funding before the project could be built. At that time, Montana Senators' Carter and Dixon

worked closely with the Association and the Secretary of the Interior to obtain the authorization and funding for the project.

In the Valley County News at Glasgow on January 19, 1906, an article is titled: "Bids Wanted for St. Mary Canal—Secretary of the Interior Has Asked For Bids At Once." The paper had received a telegram from Senator Dixon stating that the Secretary of the Interior had been authorized to request bids for construction of the St. Mary's Dam and 23 miles of canal. The sum of \$1 million had been set aside for

supported the development of the project.

Another critic was Mr. H.L. Birum—a Saco businessman and farmer. He wrote many editorials in the Valley County News (mostly dated in 1908) about the Milk River Irrigation Project. He was knowledgeable of the Milk River, and the proposed irrigation system, and supported irrigation in the valley. But he sharply criticized how the Association handled the "policies and affairs" of the project. He was especially critical of the Association



Finish grading at Vandalia irrigation ditch with a "tipover fresa."

this first section of the project.

In our communities along the Milk River, many faithful citizens will come forth to serve in the spirit of progress. But there are also many that will take an opposing view or position to challenge the "doers." The Milk River Irrigation Project was no exception. There was considerable opposition to the proposed project. One of the opposing leaders was State Senator Charles Hurd of Glasgow who had built an irrigation project at his own expense and was pumping water from the Milk. His brother, George Hurd, an attorney and rancher,

officers who were responsible for the construction contracts. Mr. Birum's editorials stated that they were receiving cash rather than "script" or written money order as set out in the Reclamation's plan. Another point of contention was the lack of landowner participation in the design and construction of the Irrigation Project. It must have placed doubt in the minds of many within the basin and prospective irrigators. Clearly, Mr. H.L. Birum became a thorn in the side of Association leaders.

It is interesting to note that a number of newspaper editors were not bashful about criticizing some-

(See History on page 4)

History

(Continued from page 3)

one if they felt these people were out of line in attacking the project. One editor used "choice language and characterizations" against the editor of the Malta Enterprise. I will have to omit the details as part of the article was edited or chewed by field mice. One almost unchewed statement was:

“H.L. Birum, of Saco— [chewed word] —took exception to the present manner of handling of the Milk river irrigation project, we have received some censure, but the quarter from which it came makes it unworthy of notice. As to the “wise guy” who runs the Malta Enterprise and the “green monster” he beheld in what we said, because of our refusal to publish the “fatherless” reply to Mr. Birum’s article, his time will be well spent on his own paper. For about four years before this gentlemen hit Valley country, we managed to scratch along without his advice as to what should or should not be printed in the columns of the NEWS and we expect still to be the judges.”

Another good example of an editor criticizing Birum and Nelson was in the Valley County News of January 15, 1909. The editor noted that H.L. Birum, while in Malta, “experienced conversions, that he had become an enthusiastic member of the Association which is working in the interest of the Project.” Clearly some issues had been resolved. The article further stated:

“A divided committee [Association] will not be able to accomplish much for the good of the valley. If H.L. Birum will forget that he is Birum, and H.H. Nelson will forget that he is Nelson, and if Birum will forget that Nelson is Nelson, and Nelson will cease to remember that Birum is Birum, and both get their fertile brains to working for the “good of the order,” some results may be hoped for.”

The Association name changed to the United Milk River Irrigation Association. As we know, projects do not just happen, they are made to happen and it involves

a lot of good people doing by a lot of hard work. I would like to personally pay tribute to all those “doers” down through years that contributed to the success of the Milk River Project. ■

Did You Know?

Did you know that during the construction of Dodson Dam in 1908. . .

Common laborers were paid \$2.00 per day.

Carpenters were paid \$2.80 per day.

Blacksmiths were paid \$2.80 per day.

A two-horse team with a driver was paid \$4.00 per day.

A two-horse team without a driver was paid \$2.00 per day.

A two-horse team without a driver, but with government feeding were paid \$26.00 per month.

Reclamation To Prepare Regional Feasibility Study

By Lenny Duberstein, Bureau of Reclamation

On December 10, 1999, President Clinton signed the Indian Reserved Water Rights Settlement Act that resolved the water rights claims of the Chippewa Cree Tribe of the Rocky Boy Reservation. The legislation also called for the Bureau of Reclamation (USBR) to conduct ... “a regional feasibility study to evaluate water and related resources in North Central Montana, to determine the limitations of those resources, and how those resources can best be managed and developed to serve the needs of the citizens of Montana.” The legislation states that the study shall:

- A) evaluate existing and potential water supplies, uses, and management;
- B) identify major water-related issues, including environmental, water supply, and economic;

- C) evaluate opportunities to solve issues referred to in subparagraph B; and
- D) evaluate options for implementing resolutions to the issues.

Water in the Milk River Basin is presently over-appropriated. Irrigators face shortages in six years out of every ten. Along with settlement of the reserved water rights of the Chippewa Cree Tribe, negotiations are now underway to settle claims of the Tribes on the Fort Belknap and Blackfeet reservations. If tribal water rights are settled and fully developed, existing junior water rights and even non-tribal senior water rights holders could be adversely impacted.

Anticipating passage of this legislation, USBR began gearing up for this feasibility study in April 1999. A planning team was created to begin “pre-feasibility” work so

that the study could be prepared in a timely manner upon passage of the legislation.

Pre-feasibility work will first identify those parties that would be impacted if tribal water rights are developed and then examine ways to mitigate or minimize those impacts. A full range of structural and non-structural alternatives will be examined. Non-structural alternatives may include: changes to institutional structures; water conservation; improved management; retiring irrigated lands; and water-banking or leasing. Structural alternatives may include: enlarging existing storage facilities; building new storage on tributaries; regulating storage differently within existing delivery systems; rehabilitating and improving existing infrastructure; and importing water into the basin that has been examined

(See Feasibility Study on page 6)

Study Identifies Ways to Improve On-Farm Irrigation

By John Dalton, NRCS Retired

I want to thank the many irrigators in Blaine, Phillips and Valley Counties who helped me complete the on-farm irrigation efficiency study along the Milk River last summer. A total of fifty irrigators were interviewed and eighty-five different fields analyzed. This study, sponsored by the Bureau of Reclamation and the Montana Department of Natural Resources and Conservation, was designed to determine existing on-farm efficiencies, and then to define reasonable options for conserving irrigation water. With increased competition for limited supplies of Milk River water, the need for better on and off-farm efficiencies is becoming more apparent.

The methodology used was developed by the USDA Natural Resources and Conservation Service (NRCS). It estimates seasonal irrigation efficiency on each field by taking into account on-farm conveyance (ditch) losses, distribution uniformity, other losses, and method of water application. No irrigation system is 100 percent efficient. Irrigation efficiencies along the Milk River are comparable to those found throughout Montana and in much of the West where similar methods are used. Efficiencies are usually higher where water is more expensive and crops have higher values.

The results suggested that average seasonal irrigation efficiency was about 42.9 percent. After discussing potential improvements with irrigators, and analyzing specific field data, irrigation efficiency could be improved to about 62.1 percent—but with a major effort and cost. Such improvement would require changes to both the existing physical system and irrigation management. The cost of these improvements is estimated to be about \$14.05 per acre for every one percent increase in efficiency. From a practical standpoint, a realistic goal would be to strive for an overall efficiency of about 12 percent.

Many irrigators would like to improve their systems, but low commodity prices and the lack of capital are major impediments. Physical improve-

ments that were considered in the study include: improving land leveling; installing gated pipe; pumping to gated pipe; installing mainline pipelines; lining ditches; automating surface irrigation; pumping directly from the river; installing pivot sprinklers; improving drains; leveling basin irrigation; and other practices. Additional sources of funding through grants or cost-share programs would be needed to help pay for these improvements.

A much higher degree of management could improve irrigation efficiency. Educational programs and demonstration projects on the installation and use of different types of physical improvements tied with better coordination efforts by districts and agencies would be needed to make this a reality.

A report entitled "Milk River On-Farm Irrigation Study" is available which provides the details of my study. A copy of the report may be obtained by contacting either Brent Esplin of the Bureau of Reclamation in Billings at (406) 247-7489 or Mike Dailey of the Montana Department of Natural Resources and Conservation in Glasgow at (406) 228-2561. ■

News from the Milk River International Alliance

The Milk River International Alliance is seeking to hire a part-time watershed coordinator. Interested individuals should contact Shannon Sattleen of the Blaine County Conservation District.

Happy Anniversary!

The MRIA recently celebrated its one-year anniversary. Thank you to all of the individuals who have contributed so much time and effort over the last year.

A special thank you to Carol Elliot for baking a beautiful cake to commemorate the event.

Web Sites to Bookmark

The Internet is a huge information bank and finding what you are looking for can be time consuming and frustrating. Provided below is a list of web sites that relate to the Milk River Basin and Montana.

United States Bureau of Reclamation Great Plains Region

www.gp.usbr.gov

This site contains information regarding USBR activities. Click on Water Supply Management to access Agri-met and Hydromet data.

Natural Resource Information System

<http://nris.mt.gov>

This site contains hundreds of GIS maps that can be downloaded for free. This site also contains information on groundwater programs, the volunteer water monitoring program, and many additional links. More information is available per request, although there may be a fee associated with it.

United States Geological Survey

<http://montana.usgs.gov>

This site contains current stream conditions, various water use information and water reports.

Montana Online

www.mt.gov

Provides access to information regarding State government, education, employment opportunities, education, and announcements.

Montana Department of Natural Resources and Conservation Home Page

www.dnrc.state.mt.us

Provides Access to various DNRC activities and information including grants and loans, water rights, news and events, and water resource information. The DNRC Water Resources Regional Offices have online computers available for public use.

The Weather Channel Homepage

www.weather.com

Provides the latest weather forecasts for any city including current weather maps.

Happy surfing!

If you have ideas for articles or news items, please contact:

Michael Dailey
MT DNRC — Glasgow
Water Resources Regional Office
222 Sixth Street South
P. O. Box 1269
Glasgow, MT 59230-1269
(406)228-2561

Kristi Kline
City of Havre
P. O. Box 231
Havre, MT 59501
(406)265-9031

Wallace Elliot
Fort Belknap Irrigation District
Rt. 71 — Box 38
523

**Chairman, Milk River Joint
Board of Control**
RT 1 Box 105
Chinook, MT 59523
(406) 357-2931

Gary Knudsen
Irrigator
HC 72 Box 7285
Molta, MT 59538
(406) 654-2899

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Editor: Rich Moy
Graphic Designer: Shannon Voss

Feasibility Study (Continued from page 4)

previously. These alternatives will focus on water supply issues but will take into account changes to water quality, the environment, institutional settings, and economic and social impacts.

In addition, this study will identify and evaluate rural water supply problems facing many small North Central Montana communities. Present and future rural water supply needs will be quantified, potential alternatives to meet these needs will be identified and examined for: 1) water quantity and quality; 2) associated environmental impacts; and 3) social and economic impacts.

By accomplishing the objectives identified above in a timely manner, the pre-feasibility study will serve the following major purposes:

- * meet the needs of the parties negotiating Tribal reserved water rights, given the already serious over-appropriation of existing supplies and the potential need for mitigating Tribal water use among non-Indian users;

- * provide an independent evaluation of water and related resources in North Central Montana to determine the

limitations of these resources and how they can best be managed and developed; and

- * initiate federal participation in developing an effective water supply management and enforcement system, given that USBR is already a major player in the area with significant irrigation works.

Another major purpose of the pre-feasibility study is to provide useful and timely information to aid the negotiations of Indian water rights settlements in the study area. To accomplish this, a special report (or at least a final draft report) will be completed by the fall of 2000. The report will be based upon the best available information. It is anticipated that some field data collection will still be ongoing completion date and that information will be identified and addressed in the feasibility study, which will commence upon completion of the pre-feasibility report.

Reclamation employees in Montana are preparing the study with assistance from staff located in Denver. Lenny Duberstein is the Team Leader and can be reached at (406) 247-7707, also at lduberstein@gp.usbr.gov, and at the monthly meetings of the Milk River International Alliance. ■

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MILK RIVER WATERSHED NEWS

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June 2000
VOLUME 2 NUMBER 2

MILK RIVER WATERSHED NEWS

"The June and September issues will focus on the Fort Belknap Reserved Water Right Negotiations."

~The Editor

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Public Meetings Held on Draft Water Rights Compact

By Paul Azevedo

On May 16-18, the Milk River International Alliance (MRIA), in conjunction with the Montana Reserved Water Rights Compact Commission, hosted four public informational meetings on the draft of the Fort Belknap water rights compact. The compact—which is being negotiated between the State of Montana, the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation, and the federal government—will settle the Tribes' water right claims in the Milk River Basin. The meetings were designed to provide basin residents with the opportunity to learn more about the compact and proposed mitigation measures. The meetings also provided an opportunity for water users to have their questions answered and to express their concerns to the negotiating parties. Approximately 130 water users attended the meetings, which were held in Havre, Chinook, Malta, and Glasgow. Before the meetings, copies of the draft compact were distributed to libraries, conservation districts, irrigation



Sixty people attended the public informational meeting in Chinook.

districts, and county extension offices in Hill, Blaine, Phillips, and Valley counties.

At each meeting Barb Cosens, legal council for the compact commission, stressed the point that the compact is still being drafted. She noted that the draft does not identify those measures or projects that would mitigate the impacts of the Tribal water rights. Cosens stressed that there are a number of issues still being negotiated between the state, tribal and federal governments. The negotiating parties have not yet

(See Draft on page 2)

Representatives on the Milk River JBC include the following:

Kay Blatter
Hugh Brookie
Melvin Novak
Lee Cornwell
Jack Gist

Chairman
Vice-Chairman
Secretary
Member
Member

Fort Belknap Irr. Dist.
Malta Irr. Dist.
Glasgow Irr. Dist.
Glasgow Irr. Dist.
Alfalfa Valley Irr. Dist.

Casey Kienenberger
Knute Kulbeck
Bim Strausser
Brad Tilleman
Steve Tremblay

Member
Member
Member
Member
Member

Malta Irr. Dist.
Harlem Irr. Dist.
Paradise Valley Irr. Dist.
Zurich Irr. Dist.
Dodson Irr. Dist.



Draft copies of the Fort Belknap Reserved Water Rights Compact are on display at:

- Fort Belknap Tribal College Library
- MSU at Northern College Library in Havre
- Blaine, Hill, Valley, and Phillips county extension offices, conservation districts, and libraries
- DNRC regional offices in Havre and Glasgow
- Milk River Irrigation District Offices

The Montana Office of the Bureau of Reclamation in Billings pays the cost for printing and mailing this newsletter.

Draft

(Continued from page 1)

agreed on the proposed mitigation measures. Each measure will continue to undergo further study and refinement. According to Cosens, the negotiating parties have agreed to release early drafts of the compact at the request of local water users. Each proposed mitigation measure was described, allowing the public to have a better understanding of them and an opportunity to provide comments.

After presentations by representatives of the Compact Commission and the Bureau of Reclamation, the floor was opened for questions and comments. The two most frequent concerns related to the cost of the mitigation projects and the enforcement provisions outlined in the compact. A number of landowners raised concerns over the cost of the final mitigation measures, noting that they are already paying as much as they can afford. In response, Cosens assured them that, although the cost-sharing agreements had yet to be worked out, no one assumed that the cost of the mitigation would be born by the water users. The negotiating parties realize that Milk River producers can not afford higher assessments on their land. As currently envisioned, funding for the mitigation measures would be sought through a combination of state and federal sources. The compact will contain language allowing the state to opt-out of the agreement if the federal government does not appropriate sufficient funding.

To ensure that all the parties adhere to the provisions of the draft compact, the negotiating parties are proposing the formation of an umbrella organization called the Milk River Authority (MRA). It is being proposed that the nine member Authority will include: two representatives of the Tribes; three from the Joint Board of Control; one from each, Department of Natural Resources and Conservation (DNRC), Bureau of Reclamation, and Bureau of Indian Affairs (BIA); and the ninth

member being selected at large by the other eight members. The two advisory members would be the U.S. Geological Survey and the U.S. Fish and Wildlife Service. The MRA would be responsible for coordinating storage and release of water in the basin, as well as the enforcement of the delivery and distribution of water at diversion points on the mainstem of the Milk River. The MRA would not have the authority to determine water rights. The irrigation districts, BIA, and the Tribes would continue to manage water distribution within canal systems once the water leaves the mainstem of the Milk River.

The proposed compact will not go into effect until the Montana Legislature, Tribal Government, U.S. Congress and the Montana Water Court approve it. The public will have an opportunity to comment on the compact at each phase of the process. According to Cosens, however, the

current negotiation phase is the best time to influence provisions within the compact. The public comment period for the current draft compact will close at the end of July. Comments should be sent to Chris Tweeten at the Montana Reserved Water Rights Compact Commission; PO Box 201601 Helena, MT 59620-1601. You may also call Barbara Cosens or Bill Greiman at the Compact

Commission in Helena, (406) 444-6841. The Compact Commission expects to release another draft in August of 2000.

Kay Blatter, Chairman of the MRA, stated, "the meetings were informative and our effort to plan and organize them was worthwhile. It is critical for our water users to become informed about the compact and involved in the negotiation process." Asked if the MRA will organize additional public meetings on the compact, Kay responded, "the MRA will continue to monitor the progress of the negotiations and would consider organizing another series of meetings in the fall if doing so would be beneficial to the basin water users." ■

"It is critical for our water users to become informed about the compact and involved in the negotiation process."

~Kay Blatter

A Unique Perspective of the Milk River Valley

By Gene Etchart

When Rich Moy asked me to write something about the current water activities in the Milk River Valley, he commented that I should have a unique perspective of this valley because I am a long-time resident here and have served as a member of the Montana Reserved Water Rights Compact Commission for several years. If my view is at all unique, it's primarily because of longevity. My association with irrigated agriculture goes back to 1926 when, as a ten year old, I moved with my family to an irrigated farm at Tampico, just west of Glasgow on the Milk River. Then too, I was a close observer of my brother Mark, a long-time legislator who worked hard on water related matters.

The Milk River Valley has plenty of ongoing problems just as in the past and, unless we all do a very good job at this time, we will have more problems in the future. Some of our problems have been self-inflicted. All of them are real. I am optimistic, however, that they can be solved in a fair and effective fashion if everyone involved pulls together.

My first vivid recollection of irrigated farming at Tampico was that horses provided the main source of power. If the land was not quite level the low spots and high spots in a field were trimmed up with horse drawn scrapers and wooden floats. To my knowledge such things as center pivots, syphon tubes and canvas dams hadn't been invented at that point, or at least weren't in use in Northeastern Montana. Most of the land had not been machine-leveled and to irrigate one had to lead the water a round on the higher ground in ditches and let it spread with the natural slope. It was quite labor intensive and seemed to me that much of the ground being irrigated was land that was, for the most part, natu-

rally flat, and free of trees and brush. In fact, I think those characteristics were the principal consideration in its original classification system. The old timers used rule-of-thumb yardsticks in evaluating land such as, "if it will grow sage brush, it will grow alfalfa."

From about 1960 on, a realization gradually developed that the Milk River Valley was water short. The idea first took hold in the lower reaches and spread upriver only slowly as those above Harlem were reluctant to believe and for quite a while thought the people in the Glasgow and Malta area were crying wolf concerning future water supply. But there is little doubt now that there isn't enough water in the valley to go around on dry years.

Looking back at the earlier years that I can recall, the perception existed that we had plenty of water and everyone sought ways and means to bring more land under production. "Everyone" in this sense truly included everyone: the irrigators, the irrigation districts, the Soil Conservation Service, the state agencies, and, of course, the Bureau of Reclamation. The big land leveling rigs soon showed up on the scene and the government farm programs gave impetus for further land development by cost sharing land leveling, irrigation structures, and providing for engineering and so on. The Bureau of Reclamation issued pumping contracts outside of irrigation district boundaries, which created still more demand for water. The point here is that there's plenty of blame to go around as to how we got into this fix!

This situation is all the more difficult because key parts of the Milk River system are aging and have lost some of their ability to deliver water. Fresno reservoir suffers from silting while the St. Mary's system needs major repairs and is now only delivering about 85% of its original capacity. Then there are the unquantified Federally Reserved Water Rights

which the Compact Commission is in the process of negotiating with the Ft Belknap Tribes, the Blackfeet Tribe, and the Bowdoin Wildlife Refuge. These reserved water rights have been recognized since the early 1900's, but to most of us they used to be merely a vague distraction not demanding much immediate attention. To fortify this

"Most of the land had not been machine leveled and to irrigate, one had to lead the water round on the higher ground in ditches and let it spread with the natural slope."

perception neither the Canadians (with claim on 30% of the total water), nor the Indian Tribes nor other federal entities were demanding all of their water.

All of the aforementioned factors have come together now to remind us that we do have problems which must be addressed in the Milk River Basin soon. Hindsight is always clearer than foresight and while settling the Reserved Water Rights issues might have been simpler 50 years ago, that opportunity is gone and we must face the situation as it exists today.

Every entity at the negotiating table seeks and desires equitable solutions that will let others survive and prosper. It should be borne in our minds that the projected water shortages that we face are shaped by

(See *Milk River* on page 4)

two components. One is chronic and due to the miscalculations of the past and the whims of weather. The other is the impact from the Tribal Water Rights Compacts which are in the process of negotiation. Other complicating factors, such as the Canadian share of the Milk River

dry cycles, amount to as much as 30% of the needed water. These concerns go beyond compact negotiations but there have been ideas put forward in the past to help alleviate this situation. Some of them include bringing Missouri river water into the system from Virgelle,

of a healthy irrigation system in this region and strongly urge them to help face the financial challenges that lie ahead to improve it.

Also working in our favor is the availability and expertise of the staff of the Compact Commission. They are anxious to help and their focus is now on this valley. We should capitalize on all this attention and not let the opportunity to improve matters slip away. The rapport built with the Tribes and the Federal Agencies is also a positive factor and should be helpful in all future initiatives. We have now, through the Joint Board, a vehicle for coordinated and united efforts in the whole valley. There must be some innovative ideas among our membership, such as small off stream storage, damming oxbows and the like, which could have favorable impacts. And, there have been suggestions for a land-use retirement program similar to CRP which, if used in connection with dry years, could be helpful. Any impact resulting from compact provisions will not be felt immediately and gives us time. Let's use it constructively!

I urge my friends and neighbors in the Milk River Valley to get involved in the Compact negotiations and to view them as an opportunity to clear up uncertainties in our water right matters. I also urge you to recognize that many of the problems we face concerning shortages, regulations and discrepancies between our water use and water rights as filed by the Bureau of Reclamation must be solved outside of the Compact process. The lawyers working for the irrigation districts in our behalf could be enlisted to spearhead such an effort. If we work together toward all these ends, there will be rewards and these rewards can be enjoyed by many future generations who call the Milk River Valley home. ■



Gene Etchart standing next to one of his irrigated alfalfa fields on May 25, 2000.

and the Bowdoin Refuge claims, further cloud the picture.

Put simply, the immediate goal in the water rights negotiation would be to maintain as a minimum, existing water supplies for irrigators in the valley while providing the necessary water to fill the reserved water right demands. Our engineers tell us they can mitigate the development of the Tribes' water right. Many ideas have been advanced to accomplish this. Some of these suggestions would include: enlarging Fresno reservoir; enlarging Nelson reservoir and adding a pump station from the river to facilitate filling in a shorter time, and new storage dams on the Ft. Belknap Reservation.

The previously mentioned mitigation efforts would only maintain the status quo. They would not alleviate any of the existing chronic shortages that we are told could, in worst case

figuring a way to get Fort Peck Lake water into the Glasgow irrigation district, and numerous other suggestions.

I said in the beginning of this article that I was optimistic for the future, even though this would be hard to detect up to this point, but there are some positive aspects to our situation. Let me mention a few.

There are a couple of fairly large storage dams proposed to be built on the Ft. Belknap reservation. If built, these would surely be helpful to the overall situation. The Compacts, when finalized, will remove clouds of uncertainty from our lands and will bring more stability and predictability for the future. It will encourage us to take a fresh look at the situation now and see how we might all work together to improve it. We need to call to the attention of the federal and state governments the economic importance

Fort Belknap Water Rights Negotiations

QUESTIONS AND ANSWERS

Part One—Part two will be continued in the next newsletter

By Reserved Water Rights Compact Commission Staff

Q. What is a reserved water right?

A. A reserved water right is a water right created by federal law when land is reserved for a specific purpose that requires water.

Q. How does a reserved water right differ from a state-based water right?

A. Three primary attributes distinguish reserved and state-based water rights. First, a state-based water right prior to 1973 was created by the act of diverting water to a beneficial use. In contrast, a reserved water right is created by the federal Act, Treaty, or Executive Order creating a reservation of land. Second, the priority date of a state-based water right created prior to 1973 is the date of the diversion to a beneficial use. In contrast, the priority date of a reserved water right is the date of the Act, Treaty, or Executive Order creating the reservation of land. Third, the measure of a state-based right is the quantity of water applied to a beneficial use. In contrast, the measure of a reserved water right is the "purpose" of the reservation, which varies from reservation to reservation. Most reserved water right negotiations focus on the difficulty of quantification of the water rights.

Q. What is the Montana Reserved Water Rights Compact Commission?

A. The Montana Legislature created the nine-member Reserved Water Rights Compact Commission in 1979, the same year that it created the Montana Water Court, as part of the state-wide water adjudication process. The purpose of the Commission is to negotiate on behalf of the State of Montana, with Indian Tribes and federal agencies claiming reserved water rights within the state. While they are being negotiated, the claims of the tribes and federal agencies are suspended from adjudication in the Water Court. A

negotiated settlement must be ratified by the Montana Legislature, the Tribal Council (in the case of Indian reserved rights), and approved by the appropriate federal authorities. If financial contributions to settlement are involved, the compact must go to Congress for approval. The members of the Commission are appointed to four year terms by the two houses of the Legislature, the Governor's office and the Attorney General's office. The Commission has an eleven-member staff in Helena.

Q. What is the adjudication?

A. The Montana Water Court was created to determine the attributes, such as quantity and points of diversion of all pre-1973 appropriative water rights in the State. Water users were required to file claims stating the attributes of their water rights. As the court issues decrees in each of the 85 subbasins in the State, people may object to the claims of their neighbors. Objections may be resolved through settlement or by the court. The end result will be a final decree determining pre-1973 state-based water rights.

Q. How does the Compact process fit with the adjudication?

A. The Commission was formed as part of the adjudication. The legislature recognized that the different attributes and senior nature of tribal water rights could be very difficult and costly to quantify in court. The Commission was established to attempt to negotiate those rights, in part to relieve the financial burden of litigation on water users and in part to try to find practical solutions that would not destroy existing investments in water development when Tribes or federal agencies develop their water. A resulting compact is entered in a decree and subject to objection by other water users

prior to being finalized by the Water Court. If the Commission is unable to reach a settlement, the reserved water right may be litigated before the Water Court.

Q. What was the Winters case?

A. The United States Supreme Court ruled in 1908 in the case of *Winters v. United States*, 207 U.S. 564, that, in creating the Fort Belknap Reservation, the United States had reserved water for the agricultural purpose of the Reservation with a priority of 1888. The Court upheld a lower court injunction against upstream diversion on the Milk River that prevented the Tribes from using their diversion.

Q. Didn't the Winters case determine the reserved water rights of the Fort Belknap Tribes?

A. No. The Winters case involved only the mainstem of the Milk River and the Court granted an injunction. The basis for the injunction was the recognition that the Tribes held a right senior to upstream irrigators. The injunction required that 5000 miners inches (125 cfs) be bypassed to the Reservation because that was the size of their existing diversion. The U.S. Supreme Court did not have the question of quantification of the entire right before it, although subsequent cases have ruled that a reserved right extends to both present and future uses as necessary to fulfill the purpose of the Reservation. The compacting process is intended to quantify present and future uses on other water sources on the Reservation.

Q. What is the Tribes' proposed water right on the Milk River?

A. Under the Tribes' proposal they would be able to take the lesser of: 645 cfs; the United States share of the natural flow of the Milk River; or the amount they

(See Negotiations on page 6)

could physically divert. Because the United States share of the natural flow of the Milk River is not often more than the existing 125 cfs diversion during irrigation season, the Tribes propose a new off-stream reservoir to allow storage of water during spring runoff.

Q. Are the Tribes giving up their 1/7 storage in Fresno?

A. No. The Tribes' proposal took into account the 1/7 storage in evaluating their new storage capacity.

Q. Can the Tribes lease their water?

A. Yes. The current draft of the Compact allows lease of water once stored or developed by the Tribes. State-based water users have the same right to market their water although the Project may have other limits imposed by federal law.

Q. How does the Blackfoot Tribe's water right on the Milk River affect the Fort Belknap negotiations?

A. Both the Blackfoot and Fort Belknap claim the entire natural flow of the Milk River. Thus, in most cases, the impact is between the two reservations which is an issue they are talking to each other about. Because there is a physical limit on the diversion rate proposed for Fort Belknap of 645 cfs, any time the Milk River flow exceeds 645 cfs or the Tribes are not diverting their full amount, the Project and other water users on the Milk River can use natural flow water. When Blackfoot irrigation is modeled using the HyDROSS Model, the impact on the Milk River Irrigation Project is 3000 acre-feet in the worst year.

Q. What additional water rights would the Tribes have on the Reservation?

A. The Fort Belknap Reservation is included in three other Water Court subbasins: Peoples Creek, Beaver Creek; and Little Suction Creek (a tributary of the Missouri River).

On Beaver Creek and Little Suction Creek the Tribes propose to protect their existing junior uses. This will maintain the status quo. On Peoples Creek there are currently state-based irrigation water rights upstream from the Reservation. The Tribes are willing to consider subordination to that existing use if the claims can be reviewed and, if necessary, modified to reflect that existing use. The parties are working with the water users and the Water Court to set up a process to accomplish that task. The Tribal water right would be to the remaining water in Peoples Creek and its tributaries on the Reservation.

Q. How will development of the proposed Tribal Water Right impact water availability on the Milk River?

A. Technical experts for the negotiating teams have utilized a model of water supply and use on the Milk River, referred to as the HyDROSS model, to simulate the impact of development of the proposed Tribal Water Right. The model and its results are discussed in the next issue.

Q. What is the proposal to eliminate that impact?

A. The basic concept offered by the State asks the Tribes to subordinate their senior water rights to users on the tributaries of the Milk River, with make-up water from the Milk River Project, while on the mainstem Milk River Project water use would be protected through improvements to the Milk River Project. The parties are looking at numerous "mitigation" measures to enhance water supply in the Milk River basin. Among the measures under discussion are the enlargement of Nelson Reservoir through a secondary dam and installation of a pump lift to help move water into Nelson Reservoir. Together these measures would add 16,000 acre-feet of storage capacity to the basin.

Other possible alternatives to increase the water supply would include restoring St. Mary's to the original design capacity; possible enlargement of Fresno although

this falls into the high-cost category; tributary storage perhaps including Peoples Creek, Thirty-mile Creek, Beaver Creek among others; and off-stream storage including possibly use of lakes at Bowdoin National Wildlife Refuge.

Q. What is the difference between mitigation and subordination?

A. Subordination is an administrative remedy. It means that a senior water right, such as that of a tribe, is treated as junior. This remedy is applied to water use on tributaries to the Milk River.

Mitigation is a water supply remedy. Water supply is enhanced through such measures as new storage, improved management, and conservation.

Q. Why does the mainstem of the Milk River make up water for tributary water use protection in the proposed Compact?

A. Cost and practicality are two factors that have to be considered in choosing between subordination and mitigation. It is not possible to build storage for every irrigator and to mitigate impact on tributaries where water use is individual and flood type is impractical. Thus, subordination is the only practical way to protect tributary water use. In contrast, the Milk River with considerable infrastructure in place provides opportunities for mitigation of impacts of a senior right such as that of the Fort Belknap Tribes.

With the water short nature of the Milk River, subordination would require purchase of the Tribes' water. Because tribes in states like Arizona, where water goes for prices in excess of \$1000/acre-foot, have obtained huge settlements for purchase of water, the expectation of tribes would probably preclude agreement on a price.

Mitigation has benefits in a basin with a variable water supply. The negotiating teams have targeted the worst case years for mitigation. Thus, new storage to make up water in high impact years will provide benefits in other years. ■

Fort Belknap Indian Irrigation Project

By Randy Perez

GENERAL INFORMATION

Total Acres: 13,000 acres
Water Price(s): \$12.50 per acre

Diversion: Fort Belknap Indian Irrigation Dam on the Milk River near Fort Belknap Agency.

Miles of canals: Main Canal is 17 miles long.

• Project is managed by the Bureau of Indian Affairs.

Number of Employees:
Full Time: Irrigation Clerk
Part Time: 1 Ditch Rider
1 Equipment Operator

QUESTIONS

Question: How does the Project charge water users?

Answer: An annual assessment is on a per acre basis.

Question: What types of crops are grown within the project?

Answer: Alfalfa, grass hay, small grains, and other miscellaneous crops.

Question: What is the project's water right?

Answer: Federally Reserved Water Right held by the Fort Belknap Tribes.

Question: What recent improvements (if any) have been made to the project's system?

Answer: The new diversion dam on the Milk River was built around 1970. Improvements on checks and turnouts occurred during the 80s and 90s. The drain ditches and main canal checks were reconstructed during the 90s. ■



Fort Belknap Dam.

Web Sites to Bookmark

The Internet is a huge information bank and finding what you are looking for can be time consuming and frustrating. Provided below is a list of web sites that relate to the Milk River Basin and Montana.

United States Bureau of Reclamation Great Plains Region

www.gp.usbr.gov

This site contains information regarding USBR activities. Click on Water Supply Management to access Agri-met and Hydromet data.

Natural Resource Information System

<http://nris.mt.gov>

This site contains hundreds of GIS maps that can be downloaded for free. This site also contains information on groundwater programs, the volunteer water monitoring program, and many additional links. More information is available per request, although there may be a fee associated with it.

United States Geological Survey

<http://montana.usgs.gov>

This site contains current stream conditions, various water use information and water reports.

Montana Online

www.mt.gov

Provides access to information regarding State government, education, employment opportunities, education, and announcements.

Montana Department of Natural Resources and Conservation Home Page

www.dnrc.state.mt.us

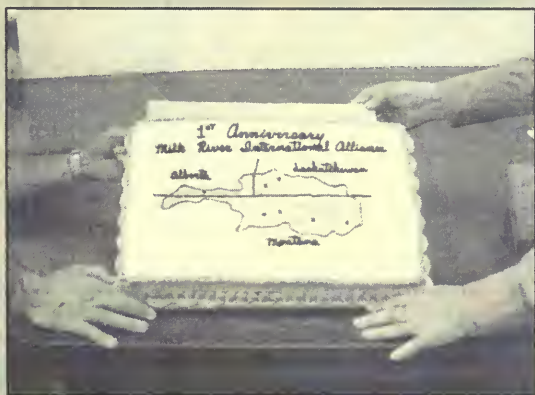
Provides Access to various DNRC activities and information including grants and loans, water rights, news and events, and water resource information. The DNRC Water Resources Regional Offices have online computers available for public use.

The Weather Channel Homepage

www.weather.com

Provides the latest weather forecasts for any city including current weather maps.

Happy surfing!



**First Anniversary
of the Milk River
International
Alliance. Cake
baked by Carol
Elliot.**

If you have ideas for articles or news items, please contact:

Michael Dailey
MT DNRC — Glasgow
Water Resources Regional Office
222 Sixth Street South
P.O. Box 1269
Glasgow, MT 59230-1269
(406)228-2561

Kristi Kline
City of Havre
P.O. Box 231
Havre, MT 59501
(406)265-9031

Wallace Elliot
Fort Belknap Irrigation District
Rt. 71 — Box 38
Chinook, MT 59523
(406) 357-2931

Kay [redacted]
Chairman, Milk River Joint
Board of Control
RT 1 Box 105
Chinook, MT 59523
(406) 357-2931

Gary Knudsen
Irrigator
HC 72 Box 7285
Molito, MT 59538
(406) 654-2899

Milk River Watershed News
is prepared and published by
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Helena (444-6637)

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Graphic Designer: Shannon Voss

MAY STORMS PROVIDE LITTLE RELIEF

By R. Scott Guenther, USBR

The natural streamflow of the Milk River upstream of Fresno Reservoir is forecasted to be one-half of normal during June and July. This is a slight improvement over the previous months. Streamflow in the St. Mary River is expected to be about 70 percent of normal for this same period. Water from the St. Mary River is being diverted to the Milk River through the St. Mary Canal. Fresno and Nelson reservoirs will not fill unless above-average rainfall occurs across the basin in June and July. Water users have known for the past two months that a water shortage exists and not much has changed during that period. Most water users began irrigating around May 10, but timely rain fell across much of the valley on May 11. Rainfall totals ranged from 1 to 1.5 inches. Even with this needed rain, above-average release of water

was required from Fresno Reservoir during May to supply downstream irrigation demands. Another rainfall event occurred on May 31 and brought 3/4 to 1 inch of rain to the valley. These two storm events were very timely and provided substantial relief to many irrigators which, in turn, has allowed more water to be stored in Fresno and Nelson reservoirs.

Total storage in the three reservoirs that supply water to the basin (Sherburne, Fresno, and Nelson) was 68 percent of average on May 31. Water levels in the reservoirs will likely be extreme by the end of July. The amount of water for a second irrigation depends, as always, on June rainfall. Water users must continue managing available supplies carefully to ensure there is available water for irrigation after the first hay cutting. ■

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MILK RIVER

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Manson Bailey wrote a series of four history articles about the Milk River for the Milk River Watershed News. His knowledge of the history of the Milk River was greatly appreciated and he will be sorely missed. If you would like copies of these articles, please contact Devri Roubidoux, (406) 444-6637.

Manson Bailey – A Lifetime of Service

By Burt Thurber

Manson Bailey was my brother-in-law. He married the oldest of the Hansen girls (Betty) and I married the youngest (Myrna). Manson and Betty were married when I started courting Myrna, so our association goes back 45 years or so. Whenever we were together, he was telling me about some project he was involved in – the Fish and Game Commission, Montana Legislature, Glasgow Airbase, Fort Peck Dam, conservation, the Montana Historical Society, or the Glasgow Museum – yes, he loved the museum.

It seems appropriate that his first call to public service was with the Valley County Soil Conservation District in the early 50's. He was a great advocate for conservation and reclamation and the soil and the land were close to his heart. He was influential with congressional leaders and his advice was sought after by Mike Mansfield, Montana's finest statesman. Manson was a practical man. His ideas were feasible and workable which benefited the farmers and ranchers as well as the land, soil and watershed.

Manson touched many lives through his many associations from Boy Scouts (he was awarded the Silver Beaver), active leadership positions in the LDS church, three terms in the Montana legislature, Montana Fish and Game Commission (youngest ever appointed), and many other organizations too numerous to mention. Betty



Manson Bailey

said he was gone so much his epitaph was going to read "Gone to a Meeting." Besides conservation and reclamation, his greatest love was the museum. He was instrumental in its founding and served as its curator for many years. You couldn't come to town to visit Manson and escape a tour of the museum. He was a great historian, filled with fascinating stories if you took the time to listen.

Manson died peacefully in his sleep the morning of July 5th, leaving his widow Betty, four children, 11 grandchildren, 2 great-grandchildren and 4 sisters. He will be greatly missed by his family, the community, the State of Montana, and those who knew him across the nation. Manson Bailey was a good man. Everyone who knew him loved and respected him. They just don't make that kind any more. ✓

Representatives on the Milk River JBC include the following:

Kay Blatter
Hugh Brookie
Melvin Novak
Lee Cornwell
Jack Gist

Chairman
Vice-Chairman
Secretary
Member
Member

Fort Belknap Irr. Dist.
Malta Irr. Dist.
Glasgow Irr. Dist.
Glasgow Irr. Dist.
Alfalfa Valley Irr. Dist.

Casey Kienberger
Knut Kulbeck
Bim Straussner
Brad Tilleman
Steve Tremblay

Member
Member
Member
Member
Member

Malta Irr. Dist.
Harlem Irr. Dist.
Paradise Valley Irr. Dist.
Zurich Irr. Dist.
Dodson Irr. Dist.



Milk River International Alliance Meetings:

Advisory Council

October 23, 2000

9:00 a.m. - 12:00 p.m.

NRCS Office

Chinook, MT

MRIA General Meeting

November 8, 2000

10:00 a.m. - 3:00 p.m.

First State
Bank Building
Matla, MT

For more information,
please contact

Tracy Teel
(406)357-2785

The Montana Office of
the Bureau of
Reclamation in Billings
pays the cost for
printing and mailing this
newsletter.

Fort Belknap Negotiations - Moving Forward

September 14, 2000

By Reserved Water Rights Compact Commission Staff

Negotiations among the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation, the Montana Reserved Water Rights Compact Commission and the United States continue to move forward toward the goal of submitting a compact settlement to the 2001 legislature. The joint technical team is working primarily on Peoples Creek issues. Other remaining tasks include work on possible mitigation proposals and assessing the effects of these mitigation alternatives through the use of a

hydrologic computer model (HydROSS).

Commission staff has been busy working with off-reservation Peoples Creek irrigators and will continue to do public contact work throughout the fall. If you have comments or questions regarding the latest draft of the proposed compact, please contact the Montana Reserved Water Rights Compact Commission at P.O. Box 201601, 1625 11th Avenue, Helena, Montana, 59620, or call (406) 444-6841. ✓

Fort Belknap Water Rights Negotiations Questions and Answers: Part two *(Part one was included in the May newsletter)*

By Reserved Water Rights Compact Commission Staff

Q. If new storage is built on tributaries to the Milk River who will build it and pay for construction and upkeep?

A. There will be sharing of costs by the United States, the State of Montana and the local irrigators. Cost share among the federal government, state, and local participants, however has not yet been specifically addressed. A separate cost share negotiating team has been appointed to discuss this topic. They have been researching potential sources of funding for different ways of mitigating the impact of the Fort Belknap Tribal water right. Local, federal and tribal support is critical to obtain funding.

Q. Are trans-basin diversions being considered as a way to bring more water into the Milk River basin?

A. The focus in the negotiations has been on less expensive in-basin solutions to water shortage problems. Studies done on trans-basin diversions show them to be extremely costly. Due to the high costs involved and the difficulty, if not impossibility, of getting large and expensive water projects through Congress, they are unlikely to be considered.

Q. Is rehabilitation of the St. Mary diversion part of the Compact?

A. No. The St. Mary diversion has lasted around 40 years beyond its planned life. The need to fix it exists with or without a compact agreement with Fort Belknap.

The St. Mary diversion is on the Blackfeet Reservation. The current proposal being considered by the Blackfeet Tribe in negotiations is to continue existing diversions from the St. Mary, which are closer to 700 cfs than the original 850 cfs capacity. Although the Blackfeet are willing to discuss expansion up to the original 850 cfs, they want it to be in the context of funding that provides a remedy for the environmental damage caused by the existing diversion.

If the Blackfeet Tribe agrees and Montana's Congressional delegation feels it is the best way to obtain funding, than St. Mary's rehabilitation could be part of the package in Congress approving the Fort Belknap Compact. It is important to understand however, that funding for rehabilitation will be viewed separately from the Indian water settlement and may require local contribution. The decision to tie St. Mary's rehabilitation to a Fort Belknap Compact bill is roughly three years away (i.e. the estimated timing of a federal bill), and does not need to be made before the Montana legislature approves the Compact. It is also possible that St. Mary's rehabilitation could be part of Blackfeet legislation or a separate package in the future.

Q. What is the status of the proposal to store water in Bowdoin National Wildlife Refuge?

A. The proposal is on the back burner at the moment due to insufficient under-

(see Negotiations on page 3)

Negotiations

(Continued from page 2)

standing of the impact on Refuge management and fisheries. Nevertheless, all proposals will be subject to feasibility and environmental review following authorization by Congress. Bowdoin National Wildlife Refuge will probably be included in those studies.

Q. How will the mitigation measures on the Milk River be chosen?

A. The Compact Commission's preference is that it be chosen by the Bureau of Reclamation (BOR) in consultation with the irrigation districts. The mitigation proposed is entirely within the Milk River Project, so the decision should be by those affected. The choice would not be made until completion of feasibility studies and environmental review.

Q. How can we be sure Congress or the Montana legislature will provide sufficient funding as needed to support the proposed Compact?

A. We can't. Thus, the draft Compact provides protections in the event that Congress does not provide funding. In the next draft we will have new opt-out provisions that allow the state to back out if a level of funding necessary for a level of mitigation identified in the Compact is not provided. Neither the parties nor the Montana Legislature can bind Congress. No agreement by the Department of the Interior to seek a certain level of funding would ensure that Congress would provide it. Due to

constitutional issues, a court cannot order Congress to authorize or appropriate funds. Thus, our best protection is to reserve the right to withdraw if funding is not provided. Similar provisions will protect the Tribes and the United States if the Montana legislature does not appropriate funds.

Q. What will happen to water supply if Canada develops its water?

A. The threat of Canadian water development exists with or without the Compact. Under full development, the order of magnitude of impact will be equal to that of the Tribal Water Right. However, in the 90 years since the International Treaty, Canada has not yet found a viable way to develop the Milk River. Compact negotiations do not address Canadian development because it would be extremely difficult to obtain funding from Congress to deal with a threat as vague as potential Canadian water development. However, the Milk River basin will be best off addressing a real Canadian proposal when the water rights are known and quantified.

Q. What is the Milk River Authority?

A. The Milk River Authority (MRA), which is included in the proposed Compact, would be a basin-wide authority for the coordination of *water use* from the mainstem of the Milk River below the eastern crossing. The authority would have representatives from state and federal agencies, the Milk River Joint Board of Control, and the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation.

Water use from the bed of the Milk River includes Tribal water rights, state-based rights, and federal contract rights. No single entity has authority over diversions from the Milk River. Improved management and enforcement will require a coordinated effort by all parties.

Q. How will the Milk River Authority be funded?

A. Cost share negotiations between the parties are still in the beginning stage. The Commission proposes that a trust fund be established from state and federal dollars for a grant and loan program in the Milk River basin with some of the money going to administration.

Q. How will the enforcement of diversions from the Milk River work?

A. The current draft follows state law. District courts may appoint water commissioners in charge of measuring flow and opening and closing headgates. The commissioners would operate only on the mainstem of the Milk River. Within districts the district would still handle allocation. Under the draft Compact, the Milk River Authority (MRA) would petition for enforcement. This would be in addition to the right of local water users to petition for enforcement. State and federal legislation authorizing this approach is necessary so that water rights under all jurisdictions - state, Tribal, and federal - are covered. ✓

Milk River International Alliance Hires Coordinator

The Milk River International Alliance hired Tracy Teel as its new watershed coordinator. Tracy has resided in Chinook for the past eight years and currently, is attending Montana State University at Northern and working for the Blaine County Superintendent of Schools. She has experience writing grants and working with the public.

"I want to listen and learn about the numerous issues facing the

Milk River Basin" she stated "and am more than eager to help find solutions to these issues using collaboration of ideas and hard work." Tracy indicated that she is looking forward to working closely within the MRIA Team. She may be contacted anytime by email tteelz@ttc-cmc.net or by phone at (406) 357-2785. If she is away from the office, leave her a message and she will promptly return your call. ✓



Tracy Teel

Facts about the Frenchman Creek Water Users' Association

GENERAL INFORMATION

Number of Farms:
19 farms

Miles of canals & laterals:
Frenchman Creek is the common carrier.

Board Members:

President

- Donald Mavencamp

Vice President

- James Bowman

Secretary/Treasurer

- Gus Yeska

Board Member

- Chester Barnard

Board Member

- Glenn Fisher

Number of employees:

Full Time:

1 Water Commissioner

Part Time:

1

Q: How does the Frenchman Creek Water Users' Association charge for water?

A: The district charges per acre-foot plus operation and maintenance (O&M).

Q: How are assessments collected?

A: The district's secretary bills each water users based on the amount of water used and to cover O & M costs.

Q: What types of crops are grown by the Frenchman Creek Water Users' and approximate percentages for each crop?

A: Approximately 80% is alfalfa and the other 20% is small grains.

Q: How does the Frenchman Creek Water Users' Association ensure a fair distribution of water?

A: By cooperation of all water users and with the use of a water commissioner.



Frenchman Dam. It is an uncommon and welcome sight to see water spilling in July.

Q: What issues do you feel will have the greatest impact on the Milk River Basin in the next ten years? How do you feel this will affect the Frenchman Creek water users?

A: Environmental issues and competition for water will challenge the traditional role of irrigated agriculture. Weather is the wild card in determining the magnitude of the effect that environmental and other issues will have on irrigated agriculture. ✓

Water Supply Update

By R. Scott Guenther,
Bureau of Reclamation

The Milk River Basin lucked out compared with many other river basins in Montana. Water releases from Fresno Reservoir were discontinued by August 14th for Milk River water users signaling the end of the irrigation season. Additional releases from Fresno continued to the Ft. Belknap Indian Irrigation Project until August 31st. The Ft. Belknap Indian Project ended the irrigation season with a small amount of its available water still stored in Fresno Reservoir. The lowest water level in Fresno was reached on August 11th which is comparable to the low level experienced in 1988.

The St. Mary Canal supplied St Mary River water to the Milk River Basin until mid-September. This

water will increase Fresno Reservoir storage to about 30,000 acre-feet by the end of September, and is enough to provide base flows to the Milk River during the upcoming fall and winter months. A normal water supply should be available in the river to supply municipal water to those communities that depend on it.

Nelson Reservoir is very low. The Bureau of Reclamation has not determined if any water will be transferred from Fresno Reservoir to Nelson Reservoir this fall as is normally done. If water is transferred, a sufficient supply will need to be retained in Fresno Reservoir to maintain fall and winter releases to the river. Above average runoff will be critical between now and next spring to fill both Fresno and Nelson reservoirs. ✓

Did You Know?

Triple Divide Peak in Glacier National Park is the one place in North America where falling water eventually flows into three oceans - The Arctic, Pacific and Atlantic.

Arsenic originating from natural geothermal activity within Yellowstone National Park is a significant water quality problem in the Missouri River.

Fur traders and missionaries were the first groups to irrigate in Montana.

Milk River Headwaters Tour - A Great Success

By Tracy Teel, Coordinator, Milk River International Alliance

Close to eighty people, ranging from senior citizens, irrigators to agency professionals attended the tour of the Milk River headwaters on August 22nd and 23rd. The Milk River International Alliance (MRIA) sponsored the tour to show interested parties how water is diverted from the St. Mary River into the North Fork of the Milk River and the irrigation development and diversion works in southern Alberta. Continuing Education Credit was offered through Montana State University, Northern.

Participants began the tour by taking two buses from Chinook and Havre, which were graciously provided by the Chinook School District, to attend the evening banquet dinner at the Elks Lodge in Shelby. Mary Ellen Wolfe, Montana Watercourse Director at MSU, gave a presentation on the history of the international apportionment of the Milk and St. Mary Rivers. Scott Guenther and Al Steiner of the Bureau of Reclamation talked about the aging canal works that are used to divert St. Mary water to the Milk River. Len Ring, Manager of the Irrigation Secretariat for the Government of Alberta explained Alberta's perspective on the importance of cooperative water management of shared international rivers in southern Alberta. Kay Blatter, Chairman of the MRIA introduced Tracy Teel, the new coordinator for the MRIA. The evening was concluded by viewing the video, "The Milk River, International Lifeline of the Highline."

The tour began again early on August 23rd and covered almost 700 miles. In Montana, participants saw Sherburne Dam where water is stored and transferred into the St. Mary canal, the St. Mary Diversion works, and the



Marv Cross, the MC, and participants at the Tuesday opening banquet.

gravity feed St. Mary river siphons. In Alberta, participants viewed Waterton Dam, and the St. Mary Dam with its recently completed spillway. The last designated point of interest on the tour was the St. Mary canal drop structure near Immigrant Gap. Participants were able to observe the effects on the channel of diverting St. Mary's water into the North Fork of the Milk River.

Being its first major event, the MRIA was pleased with the overall success of the tour. Everyone was very patient and cooperative through the long haul and felt that they gained a wealth of information.

MRIA would like to give special thanks to bus drivers Larry Surber of LS Adventures and Fred Thackery, and to Ken Miller of Milk River Alberta for purchasing dinner for the entire crew and for helping with the organization. The MRIA would also like to acknowledge the great job of the guest speakers at the banquet, and Marv Cross for all of his efforts in putting the tour together. Sponsors for this tour include: The Department of Natural Resources and Conservation, Chinook School District, Albertsons, IGA, Culligans, Kmart, Mel's Grocery, Tom & Nancy's Food Farm, Farmers Union Oil Co. and Carol & Wally Elliot. ✓

Web Sites to Bookmark

United States Bureau of Reclamation Great Plains Region

www.gb.usbr.gov

This site contains information regarding USBR activities. Click on Water Supply Management to access Agri-met and Hydromet data.

Natural Resource Information System

<http://nris.state.mt.us>

This site contains hundreds of GIS maps that can be downloaded for free. This site also contains information on groundwater programs, the volunteer water monitoring program, and many additional links. More information is available per request, although there may be a fee associated with it.

United States Geological Survey

<http://montana.usgs.gov>

This site contains current stream conditions, various water use information and water reports.

Montana Online

www.state.mt.us

Provides access to information regarding State government, education, employment opportunities, education, and announcements.

Montana Department of Natural Resources and Conservation Home Page

www.dnrc.state.mt.us

Provides Access to various DNRC activities and information including grants and loans, water rights, news and events, and water resource information. The DNRC Water Resources Regional Offices have online computers available for public use.

The Weather Channel Homepage

www.weather.com

Provides the latest weather forecasts for any city including current weather maps.

If you have ideas for articles or news items, please contact:

Michael Dalley
MT DNRC — Glasgow
Water Resources Regional
Office
222 Sixth Street South
P. O. Box 1269
Glasgow, MT 59230-1269
(406)228-2561

Kristi Kline
City of Havre
P. O. Box 231
Havre, MT 59501
(406)265-9031

Wallace Elliot
Fort Belknap Irrigation District
Rt. 7 Box 23
Chinook, MT 59523
(406)357-2931

Kay Blatter
Chairman, Milk River Joint
Board of Control
RT 1 Box 105
Chinook, MT 59523
(406) 357-2931

Gary Knudsen
Irrigator
HC 72 Box 7285
Malta, MT 59538

*Milk River Watershed News is
prepared and published by
DNRC—Water Management Bureau,
Helena (444-6637)*
Editor: Rich May
Graphic Designer: Devri Roubidoux

Bowdoin Wildlife Refuge - A must see Experience

By Tracy Teel, Coordinator, Milk River International Alliance

The Milk River International Alliance sponsored a tour of the Bowdoin Wildlife Refuge on July 18th. Wildlife Biologist, Fritz Prellwitz and assistant Kathy Erickson conducted the tour and covered the value of waterfowl banding, uses and shortages of water within the refuge, history of nesting and migratory birds, water management of alkaline wetlands, and the economic effects Bowdoin has on the local economy.

Bowdoin National Wildlife Refuge, established in 1936, is located seven miles east of Malta on Old Highway 2 and is known for its large colonies of many species of nesting birds including American white pelicans, double-crested cormorants, and great blue herons.

Highlights of the tour included the remains of the Old Bowdoin townsite that was thriving in the early 1900's and the recent outbreak of botulism that killed numerous waterfowl. Probably, the botulism was caused by the dry and windy summer that created low stagnated water levels. About 300 waterfowl have been found dead in the first couple of weeks of July.

The group saw that Bowdoin Wildlife Refuge is a haven for water fowl and shore birds. It's a must see for everyone in the Milk River basin. Beverages were provided by the Phillips County Conservation District.

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